

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte PAUL A. HOSIER, THOMAS GRIMSLEY,  
and JOSEF E. JEDLICKA

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Application No. 09/802,792

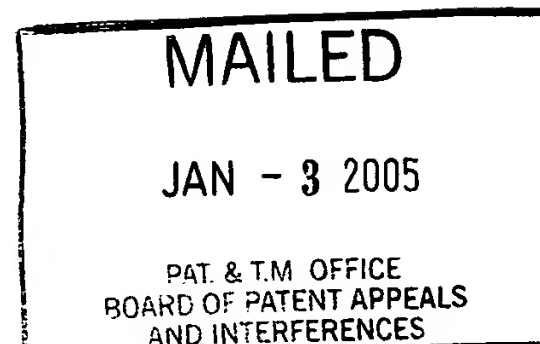
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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on November 2, 2004. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 12, 2003, appellants filed an appeal brief. A review of the file reveals that the fee was not charged for the appeal brief. Before further review of this file, the appeal brief fee must be applied to the appellants' account. Also, the



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appendix to the appeal brief filed is defective, for there is an error in claim 20 of the appendix (see line 1) compared to claim 20 of the amendment (see lines 1-2) filed December 18, 2002.

Accordingly, it is

ORDERED that this application be returned to the examiner to: 1) enter the appeal brief fee; 2) correct the appendix to the brief in one of two ways: a) to notify appellants that the brief is defective, and to have appellants file a corrective brief; b) to issue a Supplemental Examiner's Answer to correct the deficiencies of the brief; and 3) for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

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Application No. 09/802,792

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DMS/tdl  
RA05-0156